

**MINUTES
COLUMBUS BOARD OF ZONING APPEALS
DECEMBER 21, 2010
COUNCIL CHAMBERS, 2nd FLOOR, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Mary Ferdon, Chairperson; Jeff Sharp, Dave Fisher and Eric Frey.

Staff Present: Laura Thayer, Assistant Planning Director; Alan Whitted, City Attorney; Rae-Leigh Stark, Associate Planner; and Stephanie Carr, Code Enforcement.

PUBLIC MEETING

Mary Ferdon, Chairperson, opened the meeting with a brief explanation about the Board and its responsibilities.

The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted, City Attorney, administered the oath to all in attendance that would be speaking.

OLD BUSINESS REQUIRING BOARD ACTION

C/DS-10-26: Edna Derringer

Edna Derringer is a request for a development standards variance from Zoning Ordinance Section 7.1 (Table 7.1) to allow a residential property with 2 dwelling units to have 3 parking spaces, instead of 4 as required. The property is located at 2219 Home Avenue in City of Columbus. The applicant has requested that this requested that this request be withdrawn.

Ms. Ferdon read a letter submitted by Edna Derringer requesting to withdraw her variance request to allow 3 onsite parking spaces, 1 fewer than required.

Jeff Sharp made a motion to withdraw **C/DS-10-26**. The motion was seconded by Eric Frey, and passed 4-0.

NEW BUSINESS REQUIRING BOARD ACTION

C/DS-10-32: Paul Fleming

Paul Fleming is requesting a development standards variance from zoning ordinance Section 9.3 (C) (1) to allow a chain link fence in the front yard; and a development

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standards variance from Section 9.3 (C) (2) to allow a fence to be 6 feet tall, 2 feet higher than the maximum height of 4 feet in a front yard. The property is located at 2911 Rogers Street in Clay Township.

Amber Fleming, owner of the property, stated her name and address for the record.

Ms. Stark began by reading the background into the record. She said that the subject property is not typical in Bartholomew County. Ms. Stark said it has three front yards on Rogers Street, Karen Court and County Road 500 East.

Ms. Stark said the fence is located on the east side of the property, adjacent to Rogers Street. The fence is considered to be located in the front yard because of its frontage on Rogers Street.

Ms. Stark said the applicants had installed the 6 foot, chain link fence because it was recommended as the best height for their breed of dogs and they wanted the fence to be transparent for safety reasons.

Ms. Stark stated the applicants have two existing fenced-in yards on their property. The first is an opaque, wood fence in the rear and the second is the chain link in the Rogers Street front yard.

Ms. Stark said there are several accessory structures (carport, mini barn and 3 storage sheds) on the property that are located in the front yard of the subject property.

Amber Fleming said that the reason that her husband could not be there tonight was because her husband was in I.U. Medical Center. She stated there were health issues.

Ms. Fleming said that they had recently purchased the home in October and they had looked at several options on where to place the fence. Ms. Flemming said that the back yard would have been too small and they felt that the east side of the property would be the best place for the fence.

Ms. Fleming said that she was unaware that there was an ordinance with a fence height when they hired someone to put the fence up. She said that when they purchased the home they had no idea there were 3 frontages on their property and that they would be considered front yards.

Ms. Fleming said that they did purchase a heavy duty fence for extra protection for the dogs and the neighbors, and that they plan to keep it looking nice.

Ms. Ferdon asked why the fence needed to be 6 foot and Ms. Fleming said that one of the dogs can jump 7 feet, so that is why they need a fence that high.

The meeting was open to the public.

Rick Bowman, 2888 CR 500 East, spoke in favor of the 6 foot fence.

Eric and Pam Sample, 2880 Rogers Street, did not have any objections to the fence.

The meeting was closed to the public.

Jeff Sharp made a motion to approve **C/DS-10-32**, accepting provisional finding of fact number 1. He said that criterion number 2 had been met because the fence is not physically on any adjacent properties, and is not unsightly. He said criterion 3 was met because there were practical difficulties because of the property having three front yards. Eric Frey seconded the motion and it passed with a vote of 3-1.

FINDINGS OF FACT

The Finding of Fact and the approval of the November 23, 2010 minutes were continued until next month's meeting.

DISCUSSION

Appointment of Nominating Committee for 2011 BZA Officers

Mary Ferdon appointed Jeff Sharp and Eric Frey to the nominating committee for election of officers for 2011.

Jeff Sharp made a motion to approve the BZA calendar for 2011. It was seconded by Dave Fisher. It passed with a vote of 4-0.

Mary Ferdon congratulated Alan Whitted on his new position as City Attorney for the City of Columbus.

There being no more further business the meeting was adjourned.

Mary Ferdon, Chairperson

Jeff Sharp, Acting Secretary